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OCT 08 2008
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No.
	:	
Plaintiff,	:	INDICTMENT
vs.	:	
	:	
JAMES A. BRINTON,	:	VIO. 21 U.S.C. § 963,
GREGORY J. CROSBY,	:	CONSPIRACY TO IMPORT A
NOAH SIFUENTES,	:	CONTROLLED SUBSTANCE;
CHRISTINA K. HARAMIJA,	:	21 U.S.C. § 846,
LAURA B. HARDING,	:	CONSPIRACY TO DISTRIBUTE
EDGAR U. FLORES-CUEVAS,	:	A CONTROLLED SUBSTANCE;
MARTHA FORREST (aka Martha McLelland),	:	18 U.S.C. § 1956(h),
KENNETH E. FORREST,	:	CONSPIRACY TO COMMIT
TREILA SHUMWAY (aka Trelia Forrest),	:	MONEY LAUNDERING;
TIMOTHY SHIELDS,	:	18 U.S.C. § 1343,
DEBORAH MCCOARD (aka Deborah Aiken),	:	CONSPIRACY TO COMMIT
CHARLES J. STUART, III,	:	WIRE FRAUD;
REX E. SOUTHWICK,	:	31 U.S.C. § 5324(a)(3),
THOMAS MYERS,	:	CONSPIRACY TO STRUCTURE
KIMBERLY LOBDELL,	:	MONETARY TRANSACTIONS;
ENRIQUE HIPOLITO-RUIZ,	:	18 U.S.C. § 1001,
VICTOR HIPOLITO-MARTINEZ,	:	MAKING OFFICIAL FALSE
JORGE HIPOLITO-MARTINEZ,	:	STATEMENTS;
	:	18 U.S.C. §§ 981(a)(1)(C),
Defendants.	:	982(a)(1), and 28 U.S.C. § 2461,
	:	FORFEITURE ALLEGATION.

The Grand Jury charges:

Case: 2:08-cr-00671
Assigned To : Greene, J. Thomas
Assign. Date : 10/8/2008
Description: USA v.

COUNT 1

Beginning on or about a date unknown to the Grand Jury, but not later than October 1, 2003 and continuing through at least July 18, 2007, in the Central Division of the District of Utah and elsewhere,

JAMES A. BRINTON,
GREGORY J. CROSBY,
NOAH SIFUENTES,
CHRISTINA K. HARAMIJA,
LAURA B. HARDING, and
EDGAR U. FLORES-CUEVAS,

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown, to import a controlled substance into the United States, to wit: Phentermine, a Schedule IV controlled substance, in violation of 21 U.S.C. § 952(a), and did aid and abet therein, all in violation of 21 U.S.C. § 963 and 18 U.S.C. § 2.

COUNT 2

Beginning on or about a date unknown to the Grand Jury, but not later than October 1, 2003 and continuing through at least July 18, 2007, in the Central Division of the District of Utah and elsewhere,

JAMES A. BRINTON,
GREGORY J. CROSBY,
NOAH SIFUENTES,
CHRISTINA K. HARAMIJA,
LAURA B. HARDING, and
EDGAR U. FLORES-CUEVAS,

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown, to distribute a controlled substance, to wit: Phentermine, a Schedule IV controlled substance, in violation of 21 U.S.C. § 841(a)(1), and did aid and abet therein, all in violation of 21 U.S.C. § 846 and 18 U.S.C. § 2.

COUNT 3

Beginning on or about a date unknown to the Grand Jury, but not later than October 1, 2003 and continuing through at least July 18, 2007, in the Central Division of the District of Utah and elsewhere,

JAMES A. BRINTON,
GREGORY J. CROSBY,
NOAH SIFUENTES, and
EDGAR U. FLORES-CUEVAS,

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons known and unknown, to commit the following offenses against the United States of America: To launder monetary instruments by the knowing transportation, transmission, and transfer of a monetary instrument and funds, affecting interstate or foreign commerce, from a place in the United States, that is the state of Utah, to a place outside the United States, that is Mexico, with the intent to promote the carrying on of a specified unlawful activity that is, the felonious manufacture, importation, receiving, concealment, buying, selling, and otherwise dealing in a controlled substance (as defined in section 102 of the Controlled Substances Act); and knowing that the monetary instrument and funds involved in the transportation, transmission, and transfer represented the proceeds of some form of unlawful activity and knowing that such transportation, transmission, and transfer was designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and to avoid the transaction reporting requirements under State and Federal law; in violation of 18 U.S.C. § 1956(a)(2)(A) and (B), and did aid and abet therein, all in violation of 18 U.S.C. § 1956(h) and 18 U.S.C. § 2.

COUNT 4

Beginning on or about a date unknown to the Grand Jury, but not later than October 1, 2005 and continuing through at least July 18, 2007, in the Central Division of the District of Utah and elsewhere,

JAMES A. BRINTON,
GREGORY J. CROSBY,
NOAH SIFUENTES,
CHRISTINA K. HARAMIJA, and
LAURA B. HARDING,

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons known and unknown, to commit the following offense against the United States of America: To launder monetary instruments by knowing that the property involved in a financial transaction represented the proceeds of some form of unlawful activity, conducting and attempting to conduct such a financial transaction involving the proceeds of specified unlawful activity, that is the unlawful distribution of a controlled substance, with the intent to promote the carrying on of the specified unlawful activity, and knowing that the transaction was designed in whole or in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(A) and (B), and did aid and abet therein, all in violation of 18 U.S.C. § 1956(h) and 18 U.S.C. § 2.

COUNT 5

Beginning on or about a date unknown to the Grand Jury, but not later than November 1, 2003 and continuing through at least July 31, 2007, in the Central Division of the District of Utah and elsewhere,

JAMES A. BRINTON,
GREGORY J. CROSBY,
NOAH SIFUENTES,
CHRISTINA K. HARAMIJA,
LAURA B. HARDING, and
EDGAR U. FLORES-CUEVAS,

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown, to commit wire fraud in that the defendants agreed to sell controlled substances to customers which substances the defendants represented to be full strength when in truth and in fact, as the defendants well knew, the drugs were sub-potent, and for the purpose of executing the scheme and artifice, the defendants did transmit and cause to be transmitted in interstate and foreign commerce certain signs, sounds, and signals, by means of interstate wire communications, and did commit overt acts in furtherance thereof, and did aid and abet therein, in violation of 18 U.S.C. § 1343 all in violation of 18 U.S.C. § 1349 and 18 U.S.C. § 2.

COUNT 6

1. On December 19, 2005, investigators with the Drug Enforcement Administration (DEA) interviewed James A. Brinton.
2. The scope and purpose of the interview was to determine Brinton's involvement in the distribution of Phentermine by an internet pharmacy.
3. Questions posed to Brinton were material to an ongoing criminal investigation into the unlawful distribution of Phentermine and material to an official inquiry as to whether Brinton had violated the provisions of a DEA suspension order previously signed by Brinton.

On or about December 19, 2005, in the Central Division of the District of Utah,

JAMES A. BRINTON,

the defendant herein, in a matter within the jurisdiction of the Executive Branch of the United States Government, to wit: the Drug Enforcement Administration, did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations, to wit:

- (A). Despite his continued involvement with lighthousemeds.com from since 2004, Brinton falsely advised DEA investigators that he had no had contact with lighthousemeds.com for a period of between one-and-one-half to two years prior to December 19, 2005.
- (B). Despite his continued involvement in the sale of Phentermine through various websites, Brinton falsely advised DEA investigators that he had no involvement in ordering, prescribing, distributing, and arranging prescriptions and distribution of Phentermine at any time after September 23, 2004.
- (C). Despite his continued involvement in the sale of Phentermine through www.lighthousemeds.com, www.federalmeds.com, and www.rxdietpill.com, Brinton falsely advised DEA investigators that he had no involvement with any internet site at any time after September 23, 2004.

All in violation of 18 U.S.C. § 1001.

COUNT 7

Beginning on or about a date unknown to the Grand Jury, but not later than January 1, 2001 and continuing through at least October 8, 2008, in the Central Division of the District of Utah and elsewhere,

JAMES A. BRINTON,
GREGORY J. CROSBY,
KENNETH E. FORREST,
MARTHA FORREST,
TREILA SHUMWAY,
TIMOTHY SHIELDS,
DEBORAH MCCOARD,
CHARLES J. STUART, III,
REX SOUTHWICK,
THOMAS MYERS,
KIMBERLY LOBDELL,
ENRIQUE HIPOLITO-RUIZ,
VICTOR HIPOLITO-MARTINEZ, and
JORGE HIPOLITO-MARTINEZ,

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown, to import controlled substances into the United States, to wit:

- (A). Methylphenidate (aka Ritalin), a Schedule II controlled substance,
- (B). Alprazolam (aka Xanax), a Schedule IV controlled substance,
- (C). Diazepam (aka Valium), a Schedule IV controlled substance,
- (D). Phentermine (aka Adipex), a Schedule IV controlled substance,

in violation of 21 U.S.C. § 952(a), and did aid and abet therein, all in violation of 21 U.S.C. § 963 and 18 U.S.C. § 2.

COUNT 8

Beginning on or about a date unknown to the Grand Jury, but not later than January 1, 2001 and continuing through at least October 8, 2008, in the Central Division of the District of Utah and elsewhere,

JAMES A. BRINTON,
GREGORY J. CROSBY,
KENNETH E. FORREST,
MARTHA FORREST,
TREILA SHUMWAY,
TIMOTHY SHIELDS,
DEBORAH MCCOARD,
CHARLES J. STUART, III,
REX SOUTHWICK,
THOMAS MYERS,
KIMBERLY LOBDELL,
ENRIQUE HIPOLITO-RUIZ,
VICTOR HIPOLITO-MARTINEZ, and
JORGE HIPOLITO-MARTINEZ,

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with others known and unknown, to distribute controlled substances, to wit:

- (A). Methylphenidate (aka Ritalin), a Schedule II controlled substance,
- (B). Alprazolam (aka Xanax), a Schedule IV controlled substance,
- (C). Diazepam (aka Valium), a Schedule IV controlled substance,
- (D). Phentermine (aka Adipex), a Schedule IV controlled substance,

in violation of 21 U.S.C. § 841(a)(1), and did aid and abet therein, all in violation of 21 U.S.C. § 846 and 18 U.S.C. § 2:

COUNT 9

Beginning on or about a date unknown to the Grand Jury, but not later than January 1, 2007, and continuing through at least September 30, 2008, in the Central Division of the District of Utah,

MARTHA FORREST, and
DEBORAH MCCOARD,

the defendants herein together and with others known and unknown to the grand jury, did unlawfully, willfully, and knowingly combine, conspire, confederate and agree among themselves and each other to commit certain offenses against the United States, that is: the evading of the reporting requirements of Section 5313(a) of Title 31, United States Code, and the regulations prescribed thereunder, by knowingly and intentionally structuring and assisting in structuring transactions with a domestic financial institution by breaking amounts of currency in excess of \$10,000 into amounts less than \$10,000; in violation of 31 U.S.C. § 5324(a)(3), and did aid and abet therein, all in violation of 18 U.S.C. § 371 and 18 U.S.C. § 2.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

As a result of the offenses in Counts 1 through 4 and 7 through 8, the above-named defendants shall forfeit to the United States pursuant to 21 U.S.C. § 853, 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), and 28 U.S.C. § 2461 any and all property constituting, or derived from any proceeds the persons obtained, directly or indirectly, and any property used or, intended to be used, in any manner or part, to commit, or facilitate the commission of the violations listed above, including but not limited to:

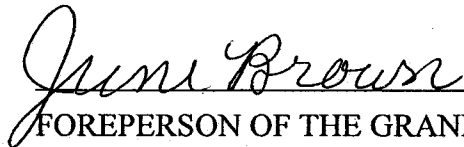
- \$73,126.94 in United States Currency which represents proceeds from the sale of the real property located at 832 East 700 North #7, Provo, UT 84601 or 832 East

700 North Unit B3, Provo, UT 84601 previously owned by Greg Crosby and/or Debra Crosby.

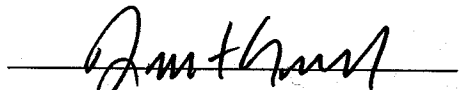
- \$5,690.34 in United States Currency which represents proceeds from the sale of the real property located at 12469 North Pablo Street, El Mirage, AZ previously owned by Debra Crosby and/or Greg Crosby.
- \$14,333.68 in United States Currency seized from Far West Bank Account #[REDACTED]1625 in the name of Brinks Pharmacy, Inc.
- 2005 Ford Mustang GT, VIN: 1ZVFT82H155245741, Utah Plate "838 NPT"
- 2006 Mercedes-Benz SLK280, VIN: WDBWK54F16F129711, Utah License Plate "663 NTP"
- Real Property located at 383 West 4020 North, Provo, Utah
- Real Property located at 3929 Riverwood Drive, Provo, Utah
- Real Property located at 832 East 700 North #6, Provo, Utah
- Real Property located at 1147 Ridgedale Circle, Salt Lake City, Utah
- Real Property located at 2547 West San Marcus Circle, St. George, Utah
- Citibank Loan Account # 107012217013000
- J.P. Morgan Chase Bank Loan Account # 412570013129
- All Funds in Wells Fargo Bank Account # 201-5584667 in the name of Enrique L. Hipolito dba El Sol Curios
- Funds up to and including \$9,000.00 in Washington Mutual Bank Account # 042100001662641 in the name of Deborah McCoard
- All Funds in Zions Bank Account # 129002101 in the name of Medicine Gallery, LLC.

- Funds up to and including \$154,877.64 in Washington Mutual Bank Account # 3163683440 in the name of Thomas Myers and William Myers
- Funds up to and including \$147,390.00 in Deseret First Credit Union Account # 296179-009 in the name of Thomas L. A. Myers
- All Funds in Deseret First Credit Union Account # 626268-009 in the name of Employment Link
- Real Property located at 95 East 200 North, Manti, Utah 84642
- Real Property located at 750 South 200 West, Spring City, Utah
- Real Property located at 168 West 3300 South, Provo, Utah 84604
- Real Property located at 2343 Charros Road, Sandy, Utah 84092
- Real Property located at 10072 South McNaughton Circle, South Jordan, Utah 84095

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

BRETT L. TOLMAN
United States Attorney


ROBERT A. LUND
Assistant United States Attorney